

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

11 UNITED STATES OF AMERICA, ) 3:12-cr-00015-HDM-WGC  
12 Plaintiff, )  
13 vs. ) ORDER  
14 RANDY MACARIO ANCHETA, )  
15 Defendant. )  
16 )

Defendant filed an abridged 28 U.S.C. § 2255 motion to vacate, set aside, or correct his sentence and a 28 U.S.C. § 2255 motion to vacate, set aside, or correct his sentence contending that his sentence should be vacated because the Hobbs Act robbery offense which served as a predicate for his 18 U.S.C. § 924(c) conviction no longer qualifies as a "crime of violence" in light of *Johnson v. United States*, 135 S. Ct. 2551 (2015) (ECF Nos. 123, 128). The government responded arguing, in part, that defendant's motion should be denied because Hobbs Act robbery does qualify as a crime of violence (ECF No. 131).

27 The Ninth Circuit has held that Hobbs Act robbery  
28 "indisputably qualifies as a crime of violence" under § 924(c).

1     *United States v. Howard*, 650 Fed.Appx. 466, 468 (9th Cir. 2016)  
2     (citing *United States v. Mendez*, 992 F.2d 1488, 1491 (9th Cir.  
3     1993)). Given the binding nature of the Ninth Circuit's ruling,  
4     defendant's motions (ECF Nos. 123, 128) are **DENIED**. Because the  
5     court's decision in this matter is dispositive, the court declines  
6     to address the other arguments raised in the defendant's motion and  
7     the government's response.

8                 IT IS SO ORDERED.

9                 DATED: This 29th day of June, 2018.

10                   
11                 UNITED STATES DISTRICT JUDGE  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28